

RESPONSE TO OFFICE ACTION  
Atty. Docket No.: P0754

Serial No.: 09/912,821  
Filed: July 25, 2001

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### **REMARKS**

Reconsideration and allowance of the above referenced application are respectfully requested. The foregoing amendments are responsive to the July 25, 2004 Office Action. Applicant respectfully requests entry of the above amendments and reconsideration of the application in view of the following comments.

#### **Response to the Claim Rejections Under 35 U.S.C §§ 102 and 103**

Claims 1, 3, and 6-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,219,669 issued to Haff. The rejection asserts that Haff allegedly teaches each element of the claims. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of U.S. Patent No. 6,381,589 issued to Leon. The rejection asserts that the Haff allegedly teaches each element of the claims except for a USB connector, the USB connector connected to the local device such that the local device can receive files via the USB connector, which is allegedly taught by Leon. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of U.S. Patent No. 6,198,920 issued to Doviak et al.. The rejection asserts that the Haff allegedly teaches each element of the claims except for means for issuing a warning signal in response to both the communications network being used and in response to the preset time, which is allegedly taught by Doviak. Claims 8-11 are canceled herein.

The remaining claims are directed toward system for transferring files to a remote host at a scheduled time. Claim 1 requires the local device wait until a preset time before attempting to connect and requires the remote device to also wait until the preset time. None of the cited art teaches or suggests having the remote device only accept communications at the preset time. Haff merely suggests sending the files at a preset time. There is no teaching or suggestion in Haff that the remote device only answer and accept the files at or after the preset time.

In view of the foregoing distinctions, Applicant respectfully submits that independent Claim 1 is patentably distinguished over the cited art. Applicant respectfully submits that Claim 1 is in condition for allowance, and Applicant respectfully requests allowance of Claim 1.

Claims 2-7 depend either directly or indirectly from independent Claim 1. Each dependent claim further defines independent Claim 1. In view of the foregoing remarks regarding Claim 1, Applicant respectfully submits that Claim 1 are likewise in condition for allowance. Applicants respectfully request allowance of dependent Claims 2-7.

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**Summary**

In view of the above amendments and remarks, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

No fee is believed due with this response. The Commissioner is hereby authorized to debit Applicant's Deposit Account (No. 50-2733) for any fees that are currently due. The Commissioner is also authorized to debit any fees due during the pendency of this application.

Respectfully submitted,

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